

event I do not know where the jurisdiction will be, unless we confer it upon the circuit court, which the commission do not want done. It seems to me we have got, then, to accept this court.

Mr. CULLOM. Will the Senator allow me to say a word?

Mr. TELLER. Yes.

Mr. CULLOM. There is a special reason why the commission did not desire it done, and that was because we found, on very careful inquiry, that the courts, as they now exist in Hawaii, have more work than they can perform. The supreme court of the Territory is behind and struggling to catch up with its business; and those interested there feel that unless we have this additional court they will be very much embarrassed by the situation.

Mr. TELLER. I want to say that that was my reason for not insisting on striking it out.

The PRESIDENT pro tempore. The amendment as finally modified by the Senator from Colorado will now be read.

The SECRETARY. On page 43, section 88, it is proposed to strike out all of the section down to and including the word "court," in line 5, on page 44, and to insert in lieu thereof the following:

That there shall be established in said Territory a district court to consist of one judge, who shall reside therein and be called the district judge. The President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district, and said judge, attorney, and marshal shall hold office for four years unless sooner removed by the President. Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court, and said judge shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges of district and circuit courts of the United States. Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law, and the laws of the United States relating to juries and jury trials shall be applicable to said district court.

Mr. CULLOM. Before the vote is taken, I want to make a suggestion which I hope will be agreed to. We have all expressed a desire to avoid making this a political court in any sense. I myself know, and so does every other man who has been in Hawaii, that it is very important that we should have the very best judges there we can secure, and the question of the character and ability of the judge will be determined somewhat by the tenure. I should therefore like very much that by consent the word "four" should be stricken out of the amendment where the term is fixed at four years, and make it "six years." I hope my friends will agree to that. I think it is important that the term should be for that length of time.

The PRESIDENT pro tempore. The Senator from Illinois asks unanimous consent—

Mr. CULLOM. I will make the motion, if a motion be in order.

The PRESIDENT pro tempore. The Senator from Illinois moves to amend the amendment offered by the Senator from Colorado [Mr. TELLER] by striking out and inserting what will be stated.

The SECRETARY. In line 7, in the printed amendment, before the word "years," it is proposed to strike out "four" and insert "six."

Mr. TELLER. I will not object to that.

Mr. CULLOM. I think, with that provision, we shall have a court the appointments to which would not be made for political reasons at any time by any President.

Mr. PETTIGREW. I am very much opposed to that amendment. If we have good judges, they can be reappointed; and if we have bad ones, six years is too long a term. The matter is completely in the control of the President of the United States.

Mr. CLARK of Wyoming. The Senator knows the judges can be removed.

Mr. PETTIGREW. No; they are never removed.

Mr. CLARK of Wyoming. But they can be.

Mr. PETTIGREW. I have lived in a Territory a good while.

Mr. CLARK of Wyoming. So have I.

Mr. PETTIGREW. We had men who never saw a law book in their lives who came out to serve as chief justices of the Territory of Dakota; and we could not get them removed. We had a coffin maker once from Maine sent out as a judge. [Laughter.]

Mr. BACON. I understand that the increased term is limited to the district judge and does not apply to the Territorial judges.

Mr. CULLOM. To the United States district judge.

Mr. BACON. I understand.

Mr. CULLOM. I hope the amendment will be adopted.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Illinois [Mr. CULLOM] to the amendment of the Senator from Colorado [Mr. TELLER].

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Colorado [Mr. TELLER] as it has been amended.

The amendment as amended was agreed to.

Mr. CLARK of Wyoming. Mr. President, we have had four hours' discussion on law and constitutional law. I now offer an amendment based on equity and good conscience, an amendment

that ought to be adopted, an amendment that I sincerely hope will be adopted.

The PRESIDENT pro tempore. The Senator from Wyoming offers an amendment, which will be read.

The SECRETARY. It is proposed to amend section 101 by adding thereto the following:

And the sum of \$250,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid Liliuokalani, late Queen of the Hawaiian Islands, for all right, claim, or interest she may have or claim to have in or to the said crown lands herein mentioned, the same to be paid by the Secretary of the Treasury upon the execution of proper deeds of relinquishment by said Liliuokalani: And provided further, That said sum of \$250,000 shall, to that amount, be a charge upon the revenues of said lands, and shall be repaid to the United States from the revenues of said lands in five equal annual payments.

Mr. CLARK of Wyoming. Mr. President, I do not care to discuss this matter. It seems to me that section 101 is one of the most marvelous and stringent and outrageous pieces of legislation that was ever sought to be perpetrated by the American Congress. I can not believe that the men who formulated this bill contemplated what section 101 does. Unless there is a desire on the part of the Senate for information I will make no remarks whatever upon the proposed amendment. If it shall fail I have one upon the desk of the clerks which I will urge instead.

Mr. BACON. Let me ask the Senator from Wyoming a question. What is the value of the Crown lands?

Mr. CLARK of Wyoming. The value of these lands it is difficult to estimate. Some of them are worth a thousand dollars an acre. At the time of the overthrow of the monarchy, I will say to the Senator from Georgia, the annual rental therefrom was \$50,000, or about that, and since that time, by the ending of leases that were then in effect and the renewal of leases upon land by the present republic, it amounts to somewhere between one hundred and one hundred and fifty thousand dollars per annum. Those lands were confiscated absolutely.

Mr. TELLER. By whom?

Mr. CLARK of Wyoming. By the republic of Hawaii, at the overthrow of the monarchy, and were thrown into the general land system of the government.

Mr. TELLER. May I ask the Senator a question? Was it recognized that they were private property before that?

Mr. CLARK of Wyoming. It was recognized that the revenues of the Crown lands all went to the Crown for the expenses of the reigning sovereign.

Mr. TELLER. And he disposed of it as he saw fit?

Mr. CLARK of Wyoming. He disposed of that revenue as he saw fit. It is an amendment which in good conscience and equity ought to pass.

Mr. BATE. What has become of the \$50,000 of rentals per annum?

Mr. CLARK of Wyoming. It has gone into the coffers of the present government of Hawaii and is there now; and this amendment proposes that out of the revenues of those Crown lands the ex-Queen, who by virtue of her right as reigning sovereign before the revolution was entitled to all the revenues from the land, shall be paid \$250,000 in lieu of all claims upon the Crown lands, whatever they may be, now or hereafter.

Mr. BATE. Does she consent to that?

Mr. CLARK of Wyoming. I can not say to the Senator whether she consents or not. If she does not, it will be inoperative.

Mr. BATE. This bill takes the land from her and puts it in the hands of the Hawaiian government?

Mr. CLARK of Wyoming. Section 101 absolutely cuts off by legislative action any claim she might have before the world or in any court.

Mr. BATE. There is no question that she had title to it before?

Mr. CLARK of Wyoming. There is no question on earth that she had title to it before.

Mr. CULLOM. She had no title.

Mr. CLARK of Wyoming. I beg the Senator's pardon; she did have title.

Mr. BATE. I ask that the amendment may again be read.

The PRESIDENT pro tempore. The amendment will again be stated.

The Secretary again read the amendment.

Mr. BATE. Then I understand from this amendment that the money comes out of the proceeds of that land. It is not to be paid out of the Treasury of the United States.

Mr. CLARK of Wyoming. The Treasury of the United States is to be reimbursed from the revenues of the lands which are now under lease.

Mr. BATE. The Senator from Wyoming is a member of the Foreign Relations Committee, I believe?

Mr. CLARK of Wyoming. Yes.

Mr. BATE. I am unfamiliar with this matter, because I am not connected with the committee in any way, and I can only learn these facts as they are presented now in considering the bill. Do I understand the Senator to say that the Crown lands undoubtedly belonged to the Queen?